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RESOLUTION ADOPTED BY THE GENERAL ASSEMBLY

[*on the report of the Third Committee (A/53/625/Add.3)*]

53/162. Situation of human rights in Myanmar

The General Assembly,

Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms as stated in the Charter of the United Nations and elaborated in the Universal Declaration of Human Rights,[1] the International Covenants on Human Rights[2] and other applicable human rights instruments,

Aware that, in accordance with the Charter, the United Nations promotes and encourages respect for human rights and fundamental freedoms for all and that the Universal Declaration of Human Rights states that the will of the people shall be the basis of the authority of government,

Recalling its resolution 52/137 of 12 December 1997,

Recalling also Commission on Human Rights resolution 1992/58 of 3 March 1992,[3] in which the Commission, *inter alia*, decided to nominate a special rapporteur with a given mandate, and taking note of

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[1] Resolution 217 A (III).

[2] Resolution 2200 A (XXI), annex.

[3] See *Official Records of the Economic and Social Council, 1992, Supplement No. 2* (E/1992/22), chap. II, sect. A.

Commission resolution 1998/63 of 21 April 1998,[4] in which the Commission decided to extend for one year the mandate of its Special Rapporteur on the situation of human rights in Myanmar,

Gravely concerned that the Government of Myanmar still has not implemented its commitment to take all necessary steps towards democracy in the light of the results of the elections held in 1990,

Noting the contact between the Government of Myanmar and the National League for Democracy, but regretting the failure of the Government of Myanmar to engage in a substantive political dialogue with Aung San Suu Kyi and other political leaders, including representatives of ethnic groups,

Noting with concern that the Government of Myanmar has not permitted a visit by the special emissary of the Secretary-General,

Noting with deep regret the continuing failure of the Government of Myanmar to cooperate with the Special Rapporteur,

Gravely concerned at the continuing and consistent violations of human rights in Myanmar, as reported by the Special Rapporteur,

Noting with grave concern the content of the report of the Commission of Inquiry of the International Labour Organization,[5] appointed in March 1997 in accordance with article 26 of the Constitution of the International Labour Organization, regarding the observance by Myanmar of the Forced Labour Convention, 1930 (No. 29), which indicates a widespread and systematic use of forced labour imposed by the military on the civilian population,

Recalling the observation made by the Special Rapporteur that the absence of respect for the rights pertaining to democratic governance is at the root of all the major violations of human rights in Myanmar,

1. *Expresses its appreciation* to the Special Rapporteur of the Commission on Human Rights on the situation of human rights in Myanmar for his interim report;[6]

2. *Urges* the Government of Myanmar to cooperate fully with all United Nations authorities and bodies, in particular and without further delay with the Special Rapporteur, and to ensure his access to Myanmar, without preconditions, in order to establish direct contact with the Government and all other sectors of society to allow him to discharge his mandate fully;

3. *Expresses its appreciation* to the Secretary-General for his report,[7] and notes with concern the observations contained therein;

4. *Deplores* the continuing violations of human rights in Myanmar, including extrajudicial and arbitrary executions, rape, torture, inhuman treatment, mass arrests, forced labour, forced relocation and

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[4] Ibid., *1998, Supplement No. 3* (E/1998/23), chap. II, sect. A.

[5] See A/53/364, annex, paras. 41–49.

[6] A/53/364, annex.

[7] A/53/657.

denial of freedom of expression, assembly, association and movement, as reported by the Special Rapporteur;

5. *Notes with deep concern* the increased restrictions on the freedom of movement and the large numbers of arbitrary detentions and harassment of political activists, including elected representatives to the Parliament, and urges the Government of Myanmar to permit unrestricted communication with and physical access to Aung San Suu Kyi and other political leaders, and to protect their physical well-being;

6. *Strongly urges* the Government of Myanmar to release immediately and unconditionally detained political leaders and all political prisoners, to ensure their physical integrity and to permit them to participate in the process of national reconciliation;

7. *Urges* the Government of Myanmar urgently to expand and intensify its contacts with the National League for Democracy with a view to engaging in a substantive political dialogue with the General Secretary of the League, Aung San Suu Kyi, and other political leaders, including representatives of ethnic and other groups, as the best means of promoting national reconciliation and the full and early restoration of democracy;

8. *Strongly urges* the Government of Myanmar, taking into account its assurances given at various times, to take all necessary steps towards the restoration of democracy in accordance with the will of the people as expressed in the democratic elections held in 1990 and to ensure that political parties and non-governmental organizations can function freely, and in this context notes that the National League for Democracy recently established a committee to represent the Parliament temporarily;

9. *Also strongly urges* the Government of Myanmar to take all appropriate measures to allow all citizens to participate freely in the political process, in accordance with the principles of the Universal Declaration of Human Rights,[1] and to accelerate the process of transition to democracy, in particular through the transfer of power to democratically elected representatives;

10. *Further strongly urges* the Government of Myanmar to ensure full respect for human rights and fundamental freedoms, including freedom of expression, association, movement and assembly, the right to a fair trial and the protection of the rights of persons belonging to ethnic and religious minorities, to put an end to violations of the right to life and integrity of the human being, to the practices of torture, abuse of women, forced labour and forced relocations and to enforced disappearances and summary executions, and to fulfil its obligations to end the impunity of perpetrators of human rights violations, including members of the military, and to investigate and prosecute alleged violations committed by government agents in all circumstances;

11. *Calls upon* the Government of Myanmar to implement fully the recommendations made by the Special Rapporteur;

12. *Welcomes* the accession by the Government of Myanmar to the Convention on the Elimination of All Forms of Discrimination against Women,[8] and appeals to the Government of Myanmar to consider becoming a party to the International Covenant on Civil and Political Rights,[2] the International Covenant on Economic, Social and Cultural Rights[2] and the Convention against Torture and Other Cruel, Inhuman

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[8] Resolution 34/180.

and Degrading Treatment or Punishment[9] and the International Convention on the Elimination of All Forms of Racial Discrimination;[10]

13. *Strongly urges* the Government of Myanmar to fulfil its obligations with regard to the Convention on the Rights of the Child,[11] as set out in the concluding observations of the Committee on the Rights of the Child;[12]

14. *Also strongly urges* the Government of Myanmar to fulfil its obligations as a State party to the Forced Labour Convention, 1930 (No. 29), and the Freedom of Association and Protection of the Right to Organize Convention, 1948 (No. 87), of the International Labour Organization, and to implement the recommendations of the Commission of Inquiry of the International Labour Organization regarding the implementation of the Forced Labour Convention, and encourages further communication between the Government and the International Labour Organization;

15. *Stresses* the importance for the Government of Myanmar to give particular attention to improving the conditions in the country's jails and to allow the competent international humanitarian organization to communicate freely and confidentially with prisoners;

16. *Calls upon* the Government of Myanmar and other parties to the hostilities in Myanmar to respect fully the obligations under international humanitarian law, including article 3 common to the Geneva Conventions of 12 August 1949,[13] to halt the use of weapons against the civilian population, to protect all civilians, including children, women and persons belonging to ethnic or religious minorities, from violations of humanitarian law and to avail themselves of such services as may be offered by impartial humanitarian bodies;

17. *Expresses concern* that the situation of human rights in Myanmar, and the lack of stability, have resulted in flows of refugees to neighbouring countries, and may have further negative effects on those countries, and therefore calls upon the Government of Myanmar to create the necessary conditions to ensure an end to the movements of refugees to neighbouring countries and to create conditions conducive to their voluntary return and their full reintegration, in conditions of safety and dignity;

18. *Welcomes* the recent visits to Myanmar by the Special Envoy of the Secretary-General for the purpose of discussions with the Government and with Aung San Suu Kyi and other political leaders, and encourages the Government of Myanmar to engage in a broader and more regular dialogue with the Secretary-General and to facilitate access by his representative to all sectors of society in Myanmar;

19. *Requests* the Secretary-General to continue his discussions on the situation of human rights and the restoration of democracy with the Government of Myanmar, and to submit additional reports to the General Assembly during its fifty-third session on the progress of those discussions, and to report to the

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[9] Resolution 39/46, annex.

[10] Resolution 2106 A (XX), annex.

[11] Resolution 44/25, annex.

[12] CRC/C/15/Add.69.

[13] United Nations, *Treaty Series*, vol. 75, Nos. 970-973.

Assembly at its fifty-fourth session and to the Commission on Human Rights at its fifty-fifth session on the progress made in the implementation of the present resolution;

20. *Decides* to continue its consideration of this question at its fifty-fourth session.

85th plenary meeting
9 December 1998